

# AIR CARRIER ACCESS ACT OF 1986 as amended



**Effective May 13, 2009**

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## **What is the purpose of the Air Carrier Access Act (ACAA)?**

This rule prohibits both U.S. and foreign carriers from discriminating against passengers on the basis of disability. Air carriers are required to make aircrafts, facilities and services accessible and to accommodate passengers with a disability. Air carriers are not required to make modifications that would result in an undue burden or fundamentally alter their program.



## **What carriers are covered?**

The provisions apply to all U.S. carriers and their operations and aircraft. For foreign carriers, the provisions apply only to foreign carriers that operate flights that begin or end at a U.S. airport.

## **Who is protected?**

The ACAA protects individuals with a disability as defined as an individual who **(1)** has a physical or mental impairment that, on a permanent or temporary basis, substantially limits one or more major life activities, **(2)** has a record of such an impairment, or **(3)** is regarded as having such an impairment.

## **What is generally prohibited?**

Except as provided for under the provisions, air carriers:

- Cannot refuse to provide transportation to a passenger with a disability on the basis of disability.
- Must not require medical certifications for air transportation.
- Must not require a passenger with a disability to provide advance notice of the fact that he or she is traveling on the flight.
- Must not subject passengers with a disability to restrictions that do not apply to other passengers.



## **What kinds of services and accommodations are covered by the law?**

Carriers must promptly provide assistance to passengers in getting on and off the aircraft. Boarding assistance must be provided through the use of lifts or ramps where level boarding entry is not available. Carriers are not required to carry passengers to board or deplane the aircraft. Carriers must provide assistance within the aircraft cabin as requested by or on behalf of passengers with a disability. Carriers are not required to provide excessive special assistance such as assistance in actual eating, assistance within the restroom or provisions for medical services.

## **What are the requirements concerning passenger-supplied electronic devices that assist passengers with respiration in the cabin during flights?**

Excluding on-demand air taxi operators and with some exceptions under the provision, U.S. carriers must permit any individual with a disability to use in the passenger cabin during air transportation, a ventilator, respirator, continuous positive airway pressure machine, or an FAA approved portable oxygen concentrator on all flights operated on aircraft originally designed to have a maximum passenger capacity of more than 19 seats.

These devices must meet the U.S. Federal Aviation Administration (FAA) safety, security and hazardous material requirements. Carriers may require passengers using these devices to give up to 48 hours advance notice so carriers can ensure the device will not interfere with communication and navigation systems. Passengers should contact the carrier for additional information and requirements.

## **Must carriers permit passengers with a disability to travel with service animals?**



Carriers must permit a service animal to accompany a passenger with a disability. On a flight segment scheduled to take 8 hours or more, carriers may, as a condition of permitting a service animal to travel in the cabin, require the passenger using the service animal to provide documentation that the animal will not need to relieve itself on the flight, or that the animal can relieve itself in a way that does not create a health or sanitation issue on the flight. Carriers are never required to accommodate certain unusual service animals (e.g. snakes, other reptiles, ferrets, rodents, and spiders) as service animals in the cabin. With respect to other unusual or exotic service animals (e.g. miniature horses, pigs, monkeys) a carrier must determine whether any factors preclude their traveling in the cabin as service animals. Passenger should contact the carrier for additional information and requirements.



Foreign carriers are not required to carry service animals other than dogs.

Emotional support animals are limited to persons with a diagnosed mental or emotional disorder. Carriers may insist on current documentation from a licensed mental health professional to support the passenger's desire to travel with such an animal. Carriers may require 48 hours advance notice by passengers traveling with an emotional support animal to permit assessment of the passenger's documentation. Emotional support animals must be trained to behave properly in public settings.

### **What are the requirements concerning priority cabin stowage for manual wheelchairs and other assistive devices?**

A passenger with a disability who uses a wheelchair and who takes advantage of the opportunity to preboard the aircraft can stow his or her wheelchair with priority over other passenger items or crew luggage brought on board. A carrier must make room for a passenger's wheelchair, even if items were stored in the priority stowage area before the passenger seeking to stow the wheelchair boarded. Assistive technology devices have the same priority over other items or crew luggage, except for wheelchairs. This requirement applies to any aircraft with 100 or more passenger seats.



If a passenger with a disability does not take advantage to preboard the aircraft, the use of this priority space is on a first-come, first-serve basis along with other passengers seeking to stow items in this space.

### **What procedures apply to stowage of battery-powered mobility aids?**

Whenever baggage compartment size and aircraft airworthiness considerations do not prohibit doing so, a carrier must accept a passenger's battery-powered wheelchair or other similar mobility devices, including the battery, as checked baggage and may require checking in one hour before the check-in time for the general public.

If the battery has been labeled by the manufacturer as non-spillable or if a battery-powered wheelchair with a spillable battery can be loaded, stored, secured and unloaded in an upright position, a carrier must not require that the battery be removed and separately packaged. A carrier must not drain batteries.

However, a carrier must remove and package the battery separately

If a battery is not adequately secured to a wheelchair, or if a wheelchair with a spillable battery cannot be loaded, stowed, secured and unloaded in an upright position. A damaged or leaking battery cannot be transported.



## **What are the requirements for providing Complaints Resolution Officials?**

The Complaints Resolution Official (CRO) is intended to be the carrier's "expert" in compliance with the requirements of the Air Carriers Access Act. Carriers providing scheduled or non-scheduled service using aircraft with 19 or more passenger seats must designate one or more CROs. U.S. carriers must make CROs available at each airport served during times of operation. Foreign carriers must make CROs available at each airport serving flights that begin or end at U.S. airports.

Carriers must make passengers with a disability aware of the availability of a CRO and how to contact the CRO when any person complains or raises concerns about discrimination, accommodations, or service with respect to passengers with a disability, and carrier personnel do not immediately resolve the issue to the passenger's satisfaction or provide the requested accommodation.

## **How are complaints filed with the U.S. Department of Transportation?**

Any person believing that a carrier violated any provisions of the Air Carrier Access Act may seek assistance or file an informal complaint at the Department of Transportation no later than 6 months after the date of the incident. Complaints can be filed by (1) going to the web site at the Department's Aviation Consumer Protection Division at <http://airconsumer.ost.dot.gov> and selecting "Air Travel Problems and Complaints" or (2) by writing to the Department of Transportation, Aviation Consumer Protection Division (C-75), 1200 New Jersey Avenue, SE, Washington, DC 20590.



### **DISABILITY AND COMMUNICATION ACCESS BOARD**

919 Ala Moana Blvd., Room 101 • Honolulu, HI 96814  
Oahu: (808) 586-8121 (Voice/TTY), (808) 586-8129 (Fax)

Call toll free from:

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E-mail: [dcab@doh.hawaii.gov](mailto:dcab@doh.hawaii.gov) • Web Site: [hawaii.gov/health/dcab](http://hawaii.gov/health/dcab)

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